
**State Government Operations &
Accountability Committee**

HB 2479

Brief Description: Ensuring equipment accessibility for voters with visual impairments.

Sponsors: Representatives Haigh, Nixon, Green, Hunt, Haler, Morrell and Upthegrove; by request of Secretary of State.

Brief Summary of Bill

- Removes the requirement that vote tallying equipment be used in another state before it may be used in Washington, and requires that it be tested and certified by the U.S. Election Assistance Commission.
- Requires in-person disability access voting be available 20 days before an election and end on the day of the election.

Hearing Date: 1/13/06

Staff: Marsha Reilly (786-7135).

Background:

Washington Voting System Certification Requirements

The Secretary of State (Secretary) is responsible for the inspection, evaluation, and testing of voting systems in the state (RCW 29A.12.020). Voting systems, voting devices, and vote tallying systems must be certified and approved by the Secretary before they can be used or sold in the state.

To be certified in Washington, a voting device must:

- secure to the voter secrecy in the act of voting;
- permit the voter to vote for any person for any office and upon any measure that he or she has the right to vote for;
- permit the voter to vote for all the candidates of one party or in part for the candidates of one or more other parties;
- correctly register all votes cast for any and all persons and for or against any and all measures;

- provide that a vote for more than one candidate cannot be cast by one single operation of the voting device or vote tally system except when voting for president and vice president of the United States; and
- except for functions or capabilities unique to this state, has been tested, certified, and used in at least one other state or election jurisdiction. (RCW 29A.12.080)

Any system certified for use in Washington also must meet the Federal standards (WAC 435.335.010).

National Voting System Standards

The Help America Vote Act (HAVA) required the U.S. Election Assistance Commission (EAC) to issue Voluntary Voting System Guidelines that would update and augment the 2002 Voting System Standards (Standards) to reflect advances in voting technology, to incorporate requirements of the HAVA, and to address the proliferation of electronic voting systems. The proposed guidelines were released for comment in June 2005, and the final guidelines were adopted in December 2005. The HAVA also required the EAC to develop a national program for accrediting voting system testing laboratories and to oversee the certification of voting systems. This has been done in the past by the National Association of State Election Directors.

The Standards for vote accuracy require that all systems must:

- record the election contests, candidates, and issues exactly as defined by election officials;
- record the appropriate options for casting and recording votes;
- record each vote precisely as cast and be able to produce an accurate report of all votes cast;
- include control logic and data processing methods incorporating parity and check-sums (or equivalent error detection and correction methods) to demonstrate that the system has been designed for accuracy; and
- provide software that monitors the overall quality of data read-write and transfer quality status, checking the number and types of errors that occur in any of the relevant operations on data and how they were corrected.

In addition, DRE systems must be able to record and retain redundant copies of the original ballot image.

Voting equipment vendors must submit hardware, firmware, and software to an Independent Test Authority (ITA) for evaluation against the Standards.

Data accuracy is defined in terms of ballot position error rate. Each location on a paper ballot card or electronic ballot image where a vote may be entered represents a ballot position.

This rate applies to the voting functions and supporting equipment that capture, record, store, consolidate and report the specific selections, and absence of selections, made by the voter for each ballot position.

For each processing function, the system must achieve a target error rate of no more than one in 10,000,000 ballot positions, with a maximum acceptable error rate in the test process of one in 500,000 ballot positions. This error rate includes errors from any source while testing a specific processing function and its related equipment.

If the system makes one error before counting 26,997 consecutive ballot positions correctly, it will be rejected. The vendor is then required to improve the system.

If the system reads at least 1,549,703 consecutive ballot positions correctly, it will be accepted. If the system correctly reads more than 26,997 ballot positions but less than 1,549,703 when the first error occurs, the testing will have to be continued until another 1,576,701 consecutive ballot positions are counted without error (a total of 3,126,404 with one error).

Disability Access Voting

The HAVE requires that disability access voting must be offered using disability access voting devices that meet access requirements. Specifically, the HAVA requires that a voting system "be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.

County auditors are responsible for the designation of disability access voting locations in the county. At the discretion of the county auditor, the period for disability access voting may begin 20 days before an election and end one day before the election; however, he or she may set the end of the disability access voting period to satisfy requirements for printing and distributing poll books to the polls in order to prevent multiple voting. The auditor is required to maintain a system to prevent multiple voting.

Summary of Bill:

The requirement that a voting device be used in another state before it may be certified in Washington is removed. Instead, it is required that the device be tested and certified by an ITA designated by the U.S. Election Assistance Commission. The requirement that voting equipment allow the voter to vote for candidates of multiple political parties also is removed.

Dates for disability access voting are changed from permissive to mandatory. The ending date for disability access voting is changed from one day before the election to the day of the election. County auditors are required to provide voting access to individuals who are blind or visually impaired at disability access voting locations.

Appropriation: None.

Fiscal Note: Requested on January 9, 2006.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.